

LYNGKLIP & ASSOCIATES

CONSUMER LAW CENTER, PLC

PROTECTING MICHIGAN CONSUMER RIGHTS SINCE 1993

Ian B. Lyngklip
ian@MichiganConsumerLaw.com

Bryan Kontry
BryanK@MichiganConsumerLaw.com

Priya Bali
Priya@MichiganConsumerLaw.com

Sylvia Bolos
SylviaB@MichiganConsumerLaw.com

of Counsel Julie A. Petrik & Gary M. Victor

24500 Northwestern Highway, Suite 206, Southfield, MI 48075 • 248-208-8864 • www.MichiganConsumerLaw.com

January 7, 2017

Compliance Department
DocuSign
221 Main St.
Suite 1000
San Francisco, CA 94105

via: Corporation Service Company, 300 Deschutes Way SW, Suite 304, Tumwater, WA 98501
cc: legal@docusign.com

Re: **Bysouth v. Security Credit Solutions, LLC**
Eastern District of Michigan -- Southern Division
Case No. 2:26-cv-10519

Attn: Compliance Department

Enclosed for filing please find the following:

1. Subpoena for production of documents only.
2. Certificate of Service

Thank you for your attention to this matter.

Very truly yours,

SylviaB@MichiganConsumerLaw.Com
for the firm,
LYNGKLIP & ASSOCIATES
CONSUMER LAW CENTER, PLC

cc: Kelly Bysouth
Brendan Little

AO 88B (Rev. 12/13) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan -- Southern Division

Kelly Bysouth

Plaintiff

v.

Security Credit Solutions, LLC

Defendant

Civil Action No. 2:26-cv-10519

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: DocuSign

(Name of person to whom this subpoena is directed)

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Items listed in the attached Schedule.

Place: 24500 Northwestern Highway, Ste.
206 Southfield, MI 48075

Date and Time:
January 21, 2017

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

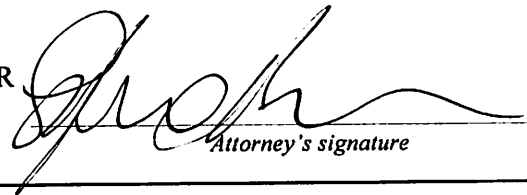
The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: Jan 7, 2017

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR



Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Kelly Bysouth, who issues or requests this subpoena, are:
Sylvia Bolos, Lyngklip & Associates Consumer Law Center, PLC. (248) 208-8864
24500 Northwestern Hwy, Ste 206, Southfield MI 48075 || SylviaB@MichiganConsumerLaw.com

Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____

on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.: _____

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

Schedule of Documents to be Produced

Response should be related to the account identified by the below information:

A DocuSign document sent to Ms. Bysouth on December 14, 2015

Subject: "Please DocuSign: TCF Settlement 105238 Bysouth.pdf"

From: TCF & Associates via DocuSign <dse_na2@docusign.net>

1. The DocuSign account application of the sender (Email attached as Exhibit for reference)
2. The DocuSign Account Holder name
3. The DocuSign Account Holder address
4. The DocuSign Account Holder phone number
5. All billing statements related to this Account
6. All payment history related to this Account (including method of payment, i.e. credit card information, copies of checks, etc).
7. Authorized users of this Account
8. Any complaints of third parties related to this Account
9. All communications related to this Account
10. Contact name and information for this Account

EXHIBIT TO SUBPOENA

Sylvia Bolos

From: Ian Lyngklip
Sent: Tuesday, December 27, 2016 2:45 PM
To: Sylvia Bolos
Subject: FW: Please DocuSign: TCF SETTLEMENT 105238 BYSOUTH.pdf

From: DocuSign Legal [mailto:legal@docusign.com]
Sent: Tuesday, December 15, 2015 8:33 PM
To: Ian Lyngklip
Subject: Re: Please DocuSign: TCF SETTLEMENT 105238 BYSOUTH.pdf

Hello Mr. Lyngklip,

DocuSign is committed to serving our customers, and we're happy to help you understand how our system works. However, we are not a party to any of the transactions completed using our system, so we cannot offer any insight into the nature of the transaction. Please also note that DocuSign is unable to access any records or documents that constitute the content of any DocuSign envelopes due to the encryption technology we use, and therefore we will not be able to produce such content for any party. We also have confidentiality obligations to our customers, which prevent us from sharing any confidential information about their account unless we are legally obligated to disclose it, so there may be information we are unable to share with you.

DocuSign accepts service of process by our registered agent: Corporation Service Company, 300 Deschutes Way SW, Suite 304, Tumwater, WA 98501, and you may also send a copy to this e-mail address: legal@docusign.com. There is no formatting requirements for the legal process, however, to expedite and assist DocuSign in responding to your request in a timely manner, please be as specific as possible, including providing names, email addresses, account ID or envelope ID numbers, and date ranges. Please refer to our policy regarding responding to requests for user data located here: <https://www.docusign.com/legal/law-enforcement>

Best regards,

DocuSign Legal

Disclaimer: No transmissions between DocuSign, Inc. and any current or potential customer are intended to provide legal or other advice or to create an attorney-client relationship.

From: Ian Lyngklip <ian@MichiganConsumerLaw.com>
Date: Monday, December 14, 2015 at 10:10 AM
To: DocuSign Legal <legal@docusign.com>
Subject: FW: Please DocuSign: TCF SETTLEMENT 105238 BYSOUTH.pdf

Attention Legal Department,

My name is Ian Lyngklip and I am an attorney in Michigan. A company going by the name TCF or the Cavalry Firm has illegally threatened my client with arrest unless she pays them a bogus debt. They have asked her to authorize payment using your service. I am requesting that you provide me with the true legal identity of this company, the name of your contact with them, and any email address you have on file for them. Additionally, I am requesting that you preserve all evidence relating to this document, and forward me a copy of the document in a form that I can print without agreeing to the form.

If you require any information from me, please feel free to call or write back to this email address. Thanks.

Ian Lyngklip
ian@MichiganConsumerLaw.com
24500 Northwestern Highway, Ste. 206
Southfield, MI 48075

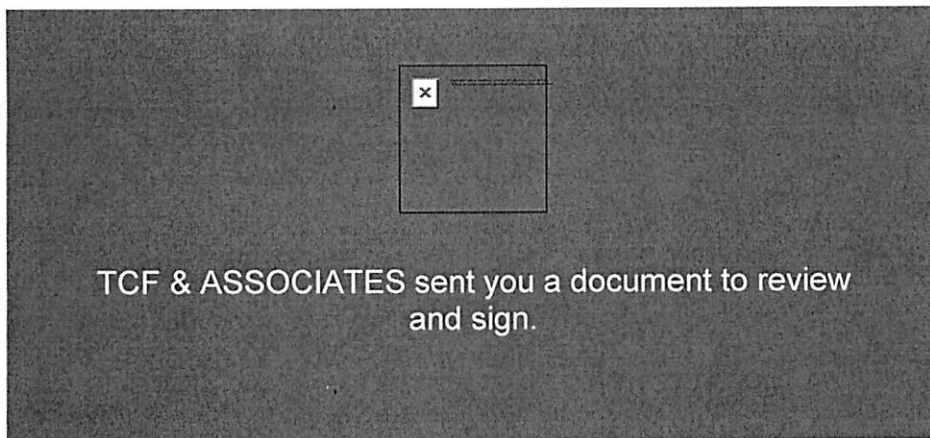
www.MichiganConsumerLaw.Com
(248)208-8864

Representing Victims of

Credit Reporting Errors
Robodialing
Mixed Credit Reporting Files
Collection Abuse
Employment Background Checks
ID Theft

----- Forwarded Message -----

From: TCF & ASSOCIATES via DocuSign <dse_na2@docusign.net>
To: KELLY BYSOUTH <KABYSOUTH@YAHOO.COM>
Sent: Monday, December 14, 2015 9:59 AM
Subject: Please DocuSign: TCF SETTLEMENT 105238 BYSOUTH.pdf



TCF & ASSOCIATES
axs@nationaladvocates.net

Please sign and return settlement agreement

Do Not Share This Email

This email contains a secure link to DocuSign. Please do not share this email, link, or access code with others.

Alternate Signing Method

Visit DocuSign.com, click 'Access Documents', and enter the security code:
B6BCF84031D8456E95104E14F71C08ED2

About DocuSign

Sign documents electronically in just minutes. It's safe, secure, and legally binding. Whether you're in an office, at home, on-the-go -- or even across the globe -- DocuSign provides a professional trusted solution for Digital Transaction Management™.

Need Help?

Visit our Support Site or contact us at service@docusign.com.



Download the DocuSign App

This message was sent to you by TCF & ASSOCIATES who is using the DocuSign Electronic Signature Service. If you would rather not receive email from this sender you may contact the sender with your request.